

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

No.18-CR-00928 MV

ROBERT HAACK

Defendant.

MEMORANDUM OPINION AND ORDER

THIS MATTER is before the Court on the government's Notice of Intent to Introduce Self-Authenticating Documents Under Rules 902(11) and 902(13) [Doc. 119]. Mr. Haack filed a response document [Doc 141] and the parties discussed this matter at a status conference on June 4, 2024 [Doc. 159]. Having considered the briefs and relevant law, and being otherwise fully informed, the Court finds that the Motion is well-taken and will be granted.


DISCUSSION

On May 20, 2024, the government motioned to give notice of its intention to admit records from eBay Inc., attached as exhibits 1, 3, and 4, and Bank of the West statements for account ending in 0021 for the time period between September 20, 2002 to May 12, 2009, and requests a pretrial ruling that these records are admissible within the business records exception to hearsay under Rule 803(6) and may be properly authenticated through certifications and without live testimony under Rules 902(11) and 902(13). Exhibits 2, 5, and 6 contain the requisite certifications. In his response, Mr. Haack agreed that the proposed records qualified for the hearsay exception under Federal Rule of Evidence 803(6), but raised several concerns relating to the self-authentication of the records. Doc. 141 at 1-2. At a status conference on June 4, 2024, counsel for Mr. Haack advised the Court that the defense will withdraw all objections pursuant to 902(11), but

will reserve the right to object to the scope of the records. Doc. 159. Accordingly, the Court finds the Motion is unopposed and further finds the eBay and Bank of the West records fall under the Rule 803(6) hearsay exception, and the eBay and Bank of the West records may be properly authenticated through business-records certifications under Rules 902(11) and 902(13) without need for testimony from a records custodian to authenticate them. The Court will take up specific objections to the scope of the records at trial.

IT IS THEREFORE ORDERED that the government's Notice of Intent to Introduce Self-Authenticating Documents Under Rules 902(11) and 902(13) [Doc. 119] is GRANTED.

ENTERED this 16th day of September 2024.



MARTHA VAZQUEZ
SENIOR UNITED STATES DISTRICT JUDGE